

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

PAUL GRAHAM III, #350-746 :  
Plaintiff :  
v. : CIVIL ACTION NO. CCB-09-3326  
STATE OF MARYLAND, *et al.*, :  
Defendants :

**MEMORANDUM**

Paul Graham currently is confined at the Western Correctional Institution. On December 9, 2009, he filed this pro se civil rights action pursuant to 42 U.S.C. § 1983, stating that he was wrongfully convicted of assault on a correctional officer. He argues that the incident did not occur as the officer described it, and that he should have been found not mentally responsible for his actions. He seeks neither money damages nor release from incarceration<sup>1</sup>, and claims the incident and his subsequent conviction were the result of the actions of “homosexuals.” Graham seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. §1915(a).

Dismissal is appropriate. Under 28 U.S.C. § 1915(g), Graham is barred from filing actions in this court *in forma pauperis*, absent extraordinary circumstances. Such circumstances are not found here.<sup>2</sup> A separate order shall be entered reflecting the opinion set forth herein.

January 7, 2010  
Date

/s/  
Catherine C. Blake  
United States District Judge

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<sup>1</sup> Graham may seek to overturn his conviction by way of a federal habeas corpus petition after first exhausting state court challenges to the conviction.

<sup>2</sup> The PLRA enacted in 1996, amended 28 U.S.C. § 1915 to include subsection (g):

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Once three such dismissals under § 1915(e) or Rule 12(b)(6) of the Federal Rules of Civil Procedure have been accumulated, a prisoner shall be barred from initiating further civil actions *in forma pauperis*, absent extraordinary circumstances. Graham’s three strikes include *Graham v. Maryland*, Civil Action No. CCB-04-3713 (D. Md.), *Graham v. State Judiciary*, Civil Action No. CCB-05-1217 (D. Md.) and *Graham v. Bush*, Civil Action No. CCB-07-184 (D. Md.).